

AO 440 (Rev. 03/08) Civil Summons

UNITED STATES DISTRICT COURT

for the

Northern District of California

E-filing

CV

09

0761

Les Jankey, et al.

Plaintiff

v.

James Lee, et al.

Defendant

Civil Action No.

BZ

Summons in a Civil Action

To: See service list attached

(Defendant's name)

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Thomas E. Frankovich  
Thomas E. Frankovich, APLC  
4328 Redwood Highway, Suite 300  
San Rafael, CA 94903 / Telephone: 415-674-8600

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

FEB 20 2009

Richard W. Wieking

Name of clerk of court

Date:

ANNA SPRINKLES  
Deputy Clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

**Proof of Service**

I declare under penalty of perjury that I served the summons and complaint in this case on \_\_\_\_\_,  
by:

(1) personally delivering a copy of each to the individual at this place, \_\_\_\_\_; or

(2) leaving a copy of each at the individual's dwelling or usual place of abode with \_\_\_\_\_  
who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is  
\_\_\_\_\_; or

(4) returning the summons unexecuted to the court clerk on \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

Date: \_\_\_\_\_

\_\_\_\_\_  
Server's signature

\_\_\_\_\_  
Printed name and title

\_\_\_\_\_  
Server's address

ORIGINAL

THOMAS E. FRANKOVICH (State Bar No. 074414)  
 THOMAS E. FRANKOVICH,  
*A Professional Law Corporation*  
 4328 Redwood Hwy., Suite 300  
 San Rafael, CA 94903  
 Telephone: 415/674-8600  
 Facsimile: 415/674-9900

Attorneys for Plaintiffs  
 LES JANKEY  
 and DISABILITY RIGHTS  
 ENFORCEMENT, EDUCATION,  
 SERVICES: HELPING YOU  
 HELP OTHERS

## UNITED STATES DISTRICT COURT

## NORTHERN DISTRICT OF CALIFORNIA

LES JANKEY, an individual; and )  
 DISABILITY RIGHTS, ENFORCEMENT, )  
 EDUCATION, SERVICES: HELPING )  
 YOU HELP OTHERS, a California public )  
 benefit corporation, )

Plaintiffs,

v.

JAMES LEE TRUSTEE of the PAULA )  
 LEE MARITAL TRUST (a.k.a) MORNING )  
 FIX CAFE, )  
 Defendant. )

**CASE NO.**  
**Civil Rights**

**COMPLAINT FOR INJUNCTIVE RELIEF  
 AND DAMAGES:**

**1<sup>st</sup> CAUSE OF ACTION:** For Denial of Access  
 by a Public Accommodation in Violation of the  
 Americans with Disabilities Act of 1990 (42  
 U.S.C. §12101, *et seq.*)

**2<sup>nd</sup> CAUSE OF ACTION:** For Denial of Full  
 and Equal Access in Violation of California  
 Civil Code §§54, 54.1 and 54.3

**3<sup>rd</sup> CAUSE OF ACTION:** For Denial of  
 Accessible Sanitary Facilities in Violation of  
 California Health & Safety Code §19955, *et seq.*

**4<sup>th</sup> CAUSE OF ACTION:** For Denial of  
 Access to Full and Equal Accommodations,  
 Advantages, Facilities, Privileges and/or  
 Services in Violation of California Civil Code  
 §51, *et seq.* (The Unruh Civil Rights Act)

DEMAND FOR JURY

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**SERVICE LIST**

**Les Jankey, et al. v. JAMES LEE TRUSTEE of the PAULA LEE MARITAL  
TRUST (a.k.a) MORNING FIX CAFE, et al.**

Case no.

James Lee, Trustee  
Paula Lee Marital Trust  
691 Broadway # 20  
San Francisco, CA 94109